

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	Case No. 98A00024
THE YEONHAP COMPANY, INC.	)	
Respondent.	)	<b>Marvin H. Morse</b>
		<b>Administrative Law Judge</b>

**ORDER GRANTING COMPLAINANT’S MOTION TO DISMISS  
WITHOUT PREJUDICE  
(February 5, 1998)**

On July 11, 1997, the Immigration and Naturalization Service (INS) served a Notice of Intent to Fine (NIF) on Man Je Lee, owner of the Yeonhap Company, Inc. (Respondent).

On August 10, 1997, Richard Madison, Esq., as counsel for Respondent, timely requested a hearing before an Administrative Law Judge (ALJ).

On November 12, 1997, INS filed a Complaint in the Office of the Chief Administrative Hearing Officer (OCAHO). Count I of the Complaint charges Respondent with knowingly hiring/continuing to employ seven named individuals, and assesses a civil money penalty of \$700 per violation for a total of \$4,900. Count II charges Respondent (1) with failure to ensure that twenty-six named individuals completed section 1 of the employment eligibility verification form (Form I-9), and (2) with failure to complete properly section 2 of the Form I-9, and assesses a civil money penalty of \$370 per violation for charges numbered 1, 11, 14, 15, and \$490 for charges numbered 2-10, 12, 13, and 16-26, for a total of \$12,260. INS requests a total civil money penalty in the amount of \$17,160.

On November 25, 1997, Richard Madison filed a Motion to Withdraw as Counsel.

On January 7, 1998, I issued an Order granting Mr. Madison’s motion and directing INS to effect service of the Order on Respondent. That Order also directed INS to report in thirty (30) days the status of the case and how it intends to move the case forward.

On February 5, 1998, Complainant filed a Motion to Dismiss Without Prejudice.

Having granted Respondent's counsel his request to withdraw on the basis of his inability to communicate with Respondent, and INS not having reported that it effected service upon Respondent, it appears efficient and just to grant the request to dismiss without prejudice. Accordingly, the motion is granted. Respondent's copy of this Order is addressed at the address, 256 West 38th Street, 11th Floor, New York, NY 10018, which address was utilized for the Notice of Hearing and which appears also on the underlying NIF.

SO ORDERED.

Dated and entered this 5th day of February, 1998.

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Marvin H. Morse  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Order Granting Complainant's Motion to Dismiss Without Prejudice were mailed first class this 5th day of February 1998, addressed as follows:

Counsel for Complainant

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Respondent

The Yeonhap Company, Inc.  
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